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2 SUPREME COURT OF THE STATE OF NEW YORK

3 COUNTY OF NEW YORK- CIVIL TERM- PART 03

4 -----X  
5 RICHARD DAVIMONS, JUNIOR  
6 Plaintiff,

Index No.  
11103/02

-against-

7 JOHN HALLE,

8 Defendant.

9 -----X  
10 (BENCH TRIAL)

60 Centre Street  
New York, New York  
November 26, 2007

11  
12 B e f o r e:

13 HONORABLE KARLA MOSKOWITZ,  
Justice, Supreme Court.

14 A P P E A R A N C E S:

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16 REISS EISENPRESS, LLP  
Attorneys for the Plaintiff  
17 425 Madison Avenue  
New York, New York  
18 BY: MATTHEW SHEPPE, ESQ.

19 MARK F. SULLIVAN  
Attorneys for the Defendant  
20 27 Front Street  
Exeter, New Hampshire  
21 BY: MARK F. SULLIVAN, ESQ.

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24 Lisa M. DeCrescenzo  
Official Court Reporter

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LISA DECRESCENZO - OFFICIAL COURT REPORTER

EXHIBIT A

R. Davimos - Cross/Defendant

Q No. No.

A I'm going to tell you.

Q I want to know where Henry Holmes was.

THE COURT: At what point in time?

Q When did you hire Henry Holmes?

MR. SHEPPE: I'd like to make it clear we're not asking about privileged conversations my client has had with his prior attorney.

MR. SULLIVAN: I haven't asked one yet.

THE COURT: Could you answer that question, please?

A Yes.

Q When did you hire the attorney?

A After that phone conversation with my father and he turned it over to John. John recommended my father should have somebody that understood movies.

Q Now, Henry Holmes--

THE COURT: John meaning which John?

THE WITNESS: My brother. My brother produced two movies earlier.

Q Your brother is fairly cognizant of this business?

A Pretty what?

Q Aware of this movie business?

A He produced two movies. He didn't put money up.

1 R. Davimos - Cross/Defendant

2 They went to TV. He had nothing to do with being  
3 released.

4 Q Did you not -- just yes or no, was Henry-- did  
5 Henry Holmes represent you?

6 A He represented-- realistically what he really did  
7 was looked over making sure that I got the certain things  
8 I wanted, the personal guarantees. That is the only thing  
9 I cared about.

10 Q Let me ask you again, all right. It's an easy  
11 question. Yes or no, did Henry Holmes, the lawyer in  
12 California, right, did he represent you?

13 A Yes.

14 Q He represented you with regard to the  
15 documentation of this deal?

16 MR. SHEPPE: Objection, Your Honor.

17 A No.

18 Q Correct?

19 MR. SHEPPE: The scope of his relationship  
20 with Henry Holmes is a privileged matter, what they  
21 discussed, what they were talking about, what work he  
22 may have done for him.

23 MR. SULLIVAN: I don't know how saying I  
24 represented somebody in a deal is getting--

25 MR. SHEPPE: He just admitted he represented  
26 but you're asking what his--

R. Davimos - Cross/Defendant

1 THE COURT: I'll sustain. You're getting  
2 into more than just--

3 MR. SULLIVAN: All right.

4 Q Did you meet with attorney Holmes at any time?

5 MR. SHEPPE: Objection, Your Honor.

6 THE COURT: Meet or not meet. Just did you  
7 meet or not meet at any time. Overruled.

8 A No.

9 Q You never met?

10 A I never met Henry ever once. He lives in  
11 California.

12 Q Were you ever involved in a teleconference  
13 meeting with Henry Holmes?

14 A Possibly. I don't remember. This was nine years  
15 ago.

16 Q Well, is there something that can help you  
17 remember?

18 A You tell me. I really don't know. I barely ever  
19 talked to Henry Holmes.

20 Q But he was your lawyer?

21 A Yes, he was my lawyer.

22 Q Recommended by your brother?

23 A Yes.

24 Q Do you know if your lawyer discussed the  
25 documents with attorney Michael, Michael Murphy?  
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R. Davimos - Cross/Defendant

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A No.

Q Did you ever see any of the documents that involved this business deal?

A No.

Q So, how do you know what the terms of the deal was?

A I know exactly what John Halle told me.

Q You new nothing else?

A Nothing else.

Q Nothing from your lawyer?

A Nothing.

Q Nothing?

A Nothing.

Q Nothing from Gerald Green?

A Nothing.

Q He didn't send you letters?

A There were no letters that I would ever have seen before I sent money regarding the terms of the deal.

Q No documents you'd ever seen prior to giving money?

A Yes, that he sent to me.

Q So, did you ever see the note, the guarantee or the loan and security agreement prior to the deal?

A I don't know.

THE WITNESS: Am I allowed to talk about my



R. Davimos - Cross/Defendant

attorney?

MR. SHEPPE: Objection.

THE COURT: No, your present attorney is saying no.

THE WITNESS: Okay.

Q So, you're entering this deal where you're going to pay a million dollars, loan a million dollars, correct?

A I can't even hear you. Could you speak up? I have a little hearing loss.

Q You're entering a deal where you're going to loan somebody a million dollars?

A I still can't hear you. Can you go back over to here?

Q Sure. You're in a deal that you're going to loan someone a million dollars; is that correct?

A Yes.

Q You had a lawyer representing you in the deal, correct?

A Yes.

Q You know that Gerald Green was involved in the deal, correct?

A Yes.

Q You had discussions with Gerald Green about the deal, correct?

A Only at that luncheon meeting and maybe one other